

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : James Patrick Goodwin *et al.*

CONFIRMATION NO.: 4962

SERIAL NO.: 10/044,913

EXAMINER: Kyle R. Stork

FILING DATE: January 15, 2002

ART UNIT: 2178

FOR : SYSTEM AND METHOD FOR USING XML TO NORMALIZE DOCUMENTS

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P.O. Box 1450

Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

In response to the Office Action mailed May 23, 2006, Applicant requests review of the final rejection in the above-identified application. This request is being concurrently filed with a Notice of Appeal. The review is requested for the reasons provided in the Remarks below. A total of 5 pages are provided.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 033975 (Ref. No. **042846-0313082**).

**REMARKS**

Claims 1-20 are all of the claims currently pending in this application. Based on the Office Action mailed May 23, 2006 ("the 5/23/2006 Office Action"), claims 1-20 stand rejected. Applicants traverse these rejections on the following grounds.

**I. REJECTIONS BASED ON HURWOOD AND CLENDINNING**

Claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,772,137 to Hurwood *et al.* ("Hurwood") in view of U.S. Patent Application Publication No. 2002/0107861 to Clendinning *et al.* ("Clendinning"). Applicants traverse these rejections on the grounds that the cited references do not teach or suggest all of the features of the claimed invention.

For example, claim 1 recites, *inter alia*, “extracting at least one portion of the at least one object by generating a meta-document representation of the at least one portion...[, and] processing the meta-document representation on the processor to normalize the one or more object repositories, wherein processing the meta-document representation comprises mapping a field in the meta-document representation with a field designation identifier.” Independent claims 6, 11, and 16 include similar subject matter, among other things. Hurwood and Clendinning do not teach or suggest these features.

**A. Hurwood does not teach the claimed features.**

Hurwood appears to discuss managing report objects (*e.g.*, object 306 in FIG. 3) stored in a single object repository (*e.g.*, object repository 304 in FIG. 3). The report objects are stored in XML form. *See*, Hurwood, col. 6, lines 37-51. The XML report objects in Hurwood accessible by users in response to user queries (made in relation to databases separate from the object repository). *See*, Hurwood, col. 1, lines 47-53.

Hurwood does not teach or suggest the features recited above for at least the following reasons. First, in the cited sections of Hurwood, providing access to the report object in meta-document form does not include generating a representation of the report object that is accessed because the report objects are already in meta-document form (*e.g.*, XML form). Instead, providing access to the report object merely includes providing access to the report object itself. Therefore, the cited portions of Hurwood do not teach or suggest “**extracting at least one portion of the at least one object by generating a meta-document representation of the at least one portion.**”

Second, in Hurwood, when the report objects are accessed in the database it is to provide access to user queries so that the user can view, edit, or otherwise interact with the reporting object. There is no discussion in the cited portions of Hurwood of processing extracting information from the report objects to normalize the database. Therefore, Hurwood does not teach or suggest “**processing the meta-document representation on the processor to normalize the one or more object repositories.**”

Third, as the Examiner admits in the 5/23/2006 Office Action, “Hurwood fails to specifically disclose mapping at least one field in the at least one object with a field designation identifier.” *See* the 5/23/2006 Office Action, page 5. Accordingly, Hurwood does not teach or suggest at least the features of the claimed invention provided above.

**B. Clendinning does not address the deficiencies of Hurwood with respect**

*to the claimed features.*

Clendinning appears to describe a system that gathers product information related to commercial products from a variety of sources, and then organizes and stores the information on a product-by-product basis in a database. *See* Clendinning, paragraph 19. The information is gathered from the sources by scrapers that provide the information to the system in an XML format. *See*, Clendinning. As the information (in XML format) from the scrapers corresponding to a given product is added to the database, it is normalized by comparison with information already in the database that corresponds to the given product.

Clendinning does not address the deficiencies of Hurwood discussed above for the following reasons. First, the passages of Clendinning relied on by the Examiner are drawn to the processing of XML information for entry into the database. This means that the XML information that is being processed is not a meta-document representation of an object already stored in the object repositories, it is information that is being added to the object repositories from an external source. Therefore, the cited passages of Clendinning, like the cited passages of Hurwood discussed above, do not teach or suggest “**extracting at least one portion of the at least one object by generating a meta-document representation of the at least one portion.**”

Second, because the information that is normalized in the cited sections of Clendinning comes from an external source, these sections fail to teach or suggest “**processing the meta-document representation [of an object stored in the object repositories] on the processor to normalize the one or more object repositories.**” In other words, the cited sections of Clendinning disclose normalizing information as it is added to the database, while the claimed invention recites normalizing information already stored within the object repositories.

Third, the Examiner alleges that Clendinning teaches “**mapping a field in the meta-document representation with a field designation identifier**” at paragraphs 48-51. *See* the 5/23/2006 Office Action, page 4. These paragraphs actually teach comparing a product identifier with a product name list that includes aliases of various products in order to correctly associate information that identifies the same product by different aliases. As such, the cited portions of Clendinning do not teach or suggest “**mapping a field in the meta-document representation with a field designation identifier.**” Accordingly, is also true of the cited portions of Hurwood, the passages of Clendinning relied on by the Examiner fail to teach or suggest at least the features of the claimed invention provided above.

At least for the reasons presented above, the portions of Hurwood and Clendinning cited by the Examiner, both alone and in combination, fail to teach or suggest all of the features of the claimed invention. For at least this reason the rejections of claims 1, 6, 11, and 16 are improper and should be withdrawn.

## **II. REJECTIONS BASED ON HURWOOD, CLENDINNING, AND SHANAHAN**

Claims 2-4, 7-9, 11-14, and 17-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hurwood in view of Clendinning, and in further view of EP 1143356 to Shanahan (hereinafter “Shanahan”). Applicants disagree with these rejections at least because (1) the cited references do not teach or suggest all of the features of the claimed invention, and/or (2) Shanahan is non-analogous art.

Claims 2-4, 7-9, 11-14, and 17-19 depend from independent claims 1, 6, 11, and 16. Shanahan fails to address the deficiencies of Hurwood and Clendinning as set forth above. Therefore, for at least the reasons previously provided, the rejections of claims 2-4, 7-9, 11-14, and 17-19 are improper and should be withdrawn based on their dependency as well as for the features that they recite individually.

For example, claims 4, 9, 14, and 19 recite, *inter alia*, **“wherein processing the meta-document representation further comprises one or both of categorization and full-text indexing.”** This feature is not taught or suggested by Hurwood, Clendinning, and/or Shanahan.

In rejecting claim 4, the Examiner admits that “Hurwood fails to specifically disclose mapping at least one field in the at least one object with a field designation identifier.” The 5/23/2006 Office Action, pages 5 and 6. The Examiner then argues that a portion of Shanahan teaches this functionality. *Id.* It appears to Applicants that this portion of the rejection would perhaps be more germane to the section of the 5/23/2006 Office Action that addresses claims 1, 6, 11, and 16. In any case, in the portion of the 5/23/2006 Office Action that address claims 4, 9, 14, and 19, the Examiner does not even explicitly state that Hurwood, Clendinning, and/or Shanahan teach or suggest the claimed feature provided above. See the 5/23/2006 Office Action, page 6. For at least this reason the rejection of claims 4, 9, 14, and 19 are legally improper and should be withdrawn.

Further, Shanahan does not qualify as prior art under 35 U.S.C. 103(a) for the purposes of this application because it is non-analogous art. A reference constitutes non-analogous art if it is from a different field of endeavor than the claimed invention, unless it is “reasonably pertinent to the particular problem with which the inventor was involved.” *Cross Medical Products, Inc. v.*

*Medtronic Sofamor Danek, Inc.*, 424 F.3d 1293, 76 U.S.P.Q.2d 1662 (Fed.Cir. 2005)(citation omitted).

The field of endeavor of the instant application is the normalization of information stored in one or more object repositories using extensible markup language. See, the specification at page 1. In contrast, the disclosure of Shanahan is drawn to "the management and use of documents which act as autonomous agents, generating requests for information, then seeking, retrieving and packaging responses." See, Shanahan at paragraph [0001]. Thus, the claimed invention and the disclosure of Shanahan are from different fields of endeavor. Additionally, the solution of Shanahan, which includes creating a document that uses meta-data to generate requests for additional data from the Internet and embeds the additional data in the document, would not have been reasonably pertinent to problem of normalizing information within object repositories (*e.g.*, databases, *etc.*). Therefore, Shanahan constitutes non-analogous art for the purposes of this application. For at least this reason, the rejection of claims 2-4, 7-9, 11-14, and 17-19 based on the combination of Hurwood, Clendinning, and Shanahan is legally improper and must be withdrawn.

### **III. REJECTIONS BASED ON HURWOOD, CLENDINNING, AND SUMMERLIN**

Claims 5, 10, 15, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hurwood in view of Clendinning, and in further view of U.S. Patent No. 6,553,365 to Summerlin *et al.* (hereinafter "Summerlin"). Applicants traverse this rejection on the grounds that the rejection is improper at least because the cited references do not teach or suggest all of the features of the claimed invention.

#### ***Conclusion***


Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: August 23, 2006

PILLSBURY WINTHROP SHAW PITTMAN LLP  
11682 El Camino Real  
San Diego, CA 92130

Respectfully submitted,

  
D. Benjamin Esplin  
Registration No.: 58,297  
858.847.4126